App F IX 1

Previous References 194 (Mc)

Mc File No 111 — 41
Serial Nos 45, 46

Later References
Mc 42-42 (8.9)
41 Dep No 525/50-51

GENERAL AND REVENUE SECRETARIAT

Serial Nos Nil

Part B for Feb 1942

SUBJECT

Bye laws framed by the Chittagong Town Municipal Council for the sanitation of the Town & for the levy of a Sanitary Cess

To The D C Kadur
" D.P.H.

Sl 46) L6797-98 Dt 4 2-42

Approves the ——

May 11/2/42

1405-
L

General and Revenue Secretariat | ML File No | of 194 / | [App F III—2

Serial No

Letter no A3-873/41-42 dated 1-9-41 from the Deputy Commissioner, Kadur Dist:-, requesting Sanction to the Sanitary bye-laws framed by the Chickmagalur Town Municipal Council and for the levy of a special sanitary cess

These bye-laws are framed under Sections 48(1)(c) and under (61)(VII) of the Mysore Town Municipalities Act, 1933.

2 The required formalities have been observed and it appears that no objections have been received in response to the notification calling for objections against the bye-laws in question.

3 The bye-laws have been gone through and certain verbal corrections have been effected therein

4 This may be sent to the DPH for furnishing his remarks, if any, on the proposed bye-laws.

Kmr 13 9 41

U.O.No 203/41-2.

15/9 Forwarded with Compliments for the Director of Public Health in Mysore for giving remarks & early return

By order
[illegible]
Asst Secy to Govt
Law Dept

NOTE—Contn Sheet

WD 03967—GPB—5 000—30 8 41

2374/p641

File No 1625/L of 194

General and Revenue Secretariat

Retransmitted with compliments.

6 The proposed bye-laws may be passed with the following modification

7 1 In clause 8 "For every 20 persons or less" should read "For every 10 persons or less"

8 2. In clause 15 the last para from "Provided that etc , " may be omitted

G. Canavan
Director of Public Health

Hm 2 13/10/41

9 The modifications suggested by the Dy Lt have been incorporated.

10 Submitted with a draft G.O for appd or other orders

Hm 19/10/41

11 In town planning the draft bye laws are in order & the language also proper

Asst Secy Law wre 31-10-41

12 1/11/41

Law 87/41

Lt 1 Nov 1941

Ho No 48 2 12.10.41 Envt file

SECY LAW DEPT * 13 OCT 1941 * GOVT OF MYSORE

GENL & REV SECRETARIAT Law 1 NOV 1941 PROTEC BRANCH

Serial No

12) The Bye-laws are framed under Sec 48(1)(c) of the Town Municipal Act. This is incorrect — they should be framed under Sec 48(1)(o) of the said Act. The correction may be effected, as under Sec 48(1)(o) of the Town Municipal Act, the Municipality have power to frame Bye-laws to regulate "Sanitation & conservancy". Sec 61(viii) notes thereon is correct & for it gives power to the Municipality to levy Special Sanitary Cess upon private latrines as cleaned by Municipal agency. But this can be levied only after due notice is given as prescribed in Sec 62 of the Act, & Rules regarding this Sanitary Cess has to be framed under Sec 46(h) of the Act. Hence instead of saying that Rules are framed under Sec 61(viii) of the Act, it is correct to say that Rules are framed under Sec 46(h) of the Town Municipal Act.

13) As regards the Bye-laws for private latrines, they are in order, & may be adopted.

14) But as regards Rules framed for the levy of Sanitary Cess, I am not inclined to think that the Rules framed are wholly proper. I am not aware of any such Rules framed by a Municipality & if there are any, the same may please be put-up for Reference by the 1st of Sept.

15) The Rules if any are to be framed in respect of the imposition of this Cess, then they

NOTE—Contn Sheet

Sanitary bye-laws of the Chickmagalur Town Municipality 2:4

File No of 194 | General and Revenue Secretariat

Serial No

must conform to the principles laid down in Sec 46 (h) of the Act. I find that the Rules framed do not come within the purview of Sec 46 (h) of the Act as such ~~Regulations~~ Rules 2, 4, 7, 8, 9, & 14 seem to be ultra vires. The Rules, if any are to be framed should be framed in respect of (a) encroachments, when to be granted,
(b) removals, under what conditions to be given,
(c) when required, when to be allowed,
(d) Fees to be charged for licenses
(e) Fees, how & when to be received
(f) Demand notices, when should be given
(g) Warrants & distress, how to be effected etc

I therefore feel that the Rules framed in this respect are wrong ultra vires, but are very arbitrary, & as such they need not be approved

Law Secretary) 3. 31/1/42

SECY LAW DEPT 2 JAN 1942 GOVT OF MYSORE

16) Hm 2 31/1/42 for

Marks pl bring up for Read instructions in person Hm 22/1/42

17) Submitted for orders with a draft G.O Hm 22/1/42

The bye laws are in order & may be approved.

In regard to the rules, those that are ultra vires have been omitted retaining the necessary ones

Sanitary bye-laws of the Chikmagalur Town Municipality

1405-L

General and Revenue Secretariat | File No | of 194 | [App F III-2

Serial No

JEOY LAW DEPT 814 23 JAN 42 GOVT OF MYSORE

FOR F... 27 JAN 1942 No 4248

The draft-fo is for approval

Law Secy for 23/1/42

26

May be approved

Minister) L S G

Hm 2 26/1/42

Ill 29.

for

Hm 2 27/1/42

Issue

for 29/1/42

To

The Govt, Kadur Dist

The Director of Public Health

No L-6797-98/HL III-41-46 d 4-2-42

Sanctions the above bye-laws with certain observations and modifications

B

NOTE—Cont Sheet

WD 041 5—GPB—55 000—23 10 41

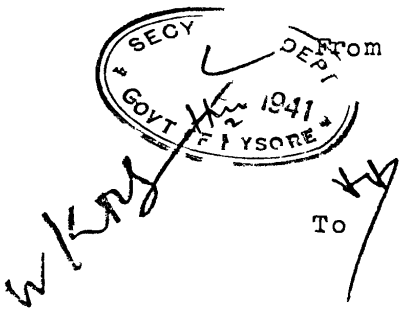
File No. of 194

General and Revenue Secretariat

Serial No

RL III-91-45 1405

No A3-873/41-42 Office of the Deputy Commissioner,
Enc file Kadur District,
Chickmagalur, dated, the Ist September 1941



From

C E Noronha, Esquire, M A,
Deputy Commissioner,
Kadur District

To

H V Narayana Rao, Esquire, B A, LL B,
Secretary to Government,
Law Department,
Bangalore

Sir,

Subject - Byelaws regarding levy of special Sanitary Cess in Chickmagalur

1 I have the honour to state that the Chickmagalur Town Municipal Council, with a view to introduce the system of daily conservancy by Municipal Agency, have framed a set of bye-laws for regulating and improving the private latrines, arranging the clearance of private latrines by the Municipal Scavenging staff and to introduce the special sanitary cess, in the Municipal area It is reported that there are about 2500 houses of all descriptions in the town and the total amount of income that may be realised under this scheme has been anticipated at Rs 11,000/- The Municipal Council have proposed to entertain the services of fifty scavengers, exclusively, for this purpose, fifty houses being allotted to each scavenger

2 The draft bye-laws were duly notified in the Mysore Gazette dated 25-5-1941, calling for objections The printed notifications were widely published in the town As no objection were received from the public, the Municipal Council, at their meeting held on 15-7-1941, resolved that sanction of Government be obtained for the above bye-laws

3 As the required formalities prescribed under the Town Municipalities Act, 1933, ~~have~~ were gone through, and as no objections have been received from the public, so far, I reques that the sanction of Government may kindly be obtained for the,

G R S App F VI—G 2]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the 193

Date of issue 4th July. 1942

Signed by Mr G. Ramachandra Rao

May this be—

(i) printed?

(ii) treated as a standing order?

(iii) published in the Gazette English Part?

(iv) translated?

(v) placed at the disposal of the press?

(vi) published in the Gazette Kannada Part?

Section MC

File No 11—41

Serial No 46

Proceedings of the Government of His Highness the Maharaja of Mysore

Read—

Letter no A3-873/41-42 dated 1-9-41 from the Dy Comr, Kadur Dist—, forwarding (1) the draft bye-laws framed by the Chikmagalur Town Bd under Sec 48 (1) (o) of the Mysore Town Municipalities Order thereon—No. Act, 1933 for regulating Conservancy & Sanitation in the Municipality (2) the rules framed under Sections 46 (k) and 61 (k) (ii)—under the said Act—for the levy of a special Sanitary cess in the said Municipality according to the rates specified therein and adding that—no

objections were rec'd in response
to the above notification
issued in this behalf
2) The D.O. no 48-2 dated 12-10-41
from the D.P.H. furnishing his
suggestions on the above bye-laws
and rules

order no L 6797-98

The bye-laws relating to conservancy
and sanitation as appended to
this order are sanctioned

2 In regard to the rules for the
levy of special sanitary cess, it is
observed that the draft rules
nos 2, 5, 6, 7, 8, 9, 11, 12 & 14 are ultra vires and are
accordingly omitted. The other rules
framed by the Chairman of the Town Municipal
together with the schedule appended
thereto are approved

3 They may be got printed and
10 copies thereof supplied to this
Office for reference and record

List of Enclosures

Copied by

Examined by

for Secy to Govt
26/1/42

WD 0279—GPB—22 500—14 4 38

The D.P.H. & Labour
The D.P.H.

Bye-laws framed under Section 48 (1)(c) and 61 (VII) of the Town Municipal Act 1933, for regulating and improving private latrines and the levy of a Special Sanitary Cess

OFFICE OF THE PRESIDENT TOWN MUNICIPAL COUNCIL
CHIKMAGALUR

Notification No O C 41—39 40 *dated* 23*rd May* 1941

Notice is hereby given to the inhabitants of the Chikmagalur Town Municipality that the Town Municipal Council Chikmagalur desire to promulgate the appended bye laws framed under Section 48 (1) (c) and under Section 61 (VII) of the Town Municipal Act VIII of 1940 for regulating and improving the private latrines arranging the clearance of private latrines by the Municipal scavenging staff and to introduce the Special Sanitary Cess respectively in the Municipal area Any inhabitant objecting the proposed bye-law and rules appended to this may within one months from the date of this notice published in the *Mysore Gazette* send his objection in writing to the Municipal Council Objections received after that date will not be considered

Bye laws

Bye laws framed by the Town Municipal Council Chikmagalur under Section 48 (1) (c) of the Town Municipalities Act 1940 for enforcing the daily conservancy system by the Municipal agency only and rules framed under Section 61 (VII) of the same Act for the levy of Special Sanitary Cess as per rates mentioned in the schedule below. 1933

1 Every privy or latrine that is to be constructed hereafter in the Municipal limits should conform to the daily removable system only

2 The privies under pit system if any in the private premises should be changed into the daily removal system within a reasonable time fixed by the President

3 The opening of the privy should always be towards the conservancy lane and should be constructed according to the approved plan and after obtaining a license from the President or the Chief Officer

4 The opening of the privy should be capable of daily removal from outside through the conservancy lane and should be provided with good shutters or trap-doors so as to completely close the opening The question of granting or refusing a license to put up a trap door will rest with the President

5 All trap doors or shutters for the privies should be preferably made of iron plates of not less than one eighth of an inch in thickness soaked in tar both sides The shutters to the trap doors should be fixed so tight to the door frame that no flies or any other disease carrying insects have an access

6 The Municipality will arrange the removal of night soil through its own agency on payment of the special sanitary cess fixed on private latrines as noted in detail in the schedule below

7 No night soil shall be kept in stock in the latrines for more than twenty four hours

8 For every 20 persons a house is intended to accommodate or less there shall be at least one privy

9 The side and the floor of the chamber for the receptacle shall be constructed of hard smooth stones or brick work plastered with cement or other non-absorbant material and the floor shall be so sloped that any liquid discharged on it shall be rapidly and easily flow to an outlet.

10 Every privy shall be provided with a movable receptacle to receive night soil with a capacity of not more than one cubic foot

11 Arrangements must be made for the separation of urine from faecal matter

12 The owner or occupier of any land on which there is a privy must have such privy shut out by a sufficient roof and enclosure by non combustible material or by wall from the view of persons passing by or resident in the neighbourhoods

13 The flooring inside the latrine must be made impervious by cement concrete and plastered with cement or by flooring with cuddapah or burnt slabs with neat cement pointings so that water and other watery substance may not accumulate inside

14 Every privy shall be so constructed that the bottom of the receptacle for night soil urine or ablution water shall be at a level at least two feet above the ground level

15 Every person who shall construct a new privy shall construct the same in such a way that the night soil receptacle shall be at a distance of 10 feet from any public road or place of public resort 20 feet away from any kitchen 25 feet away from any place used as human habitation and 60 feet from any well tank or stream the water of which is used for drinking purposes provided that where the maintenance of any such distance down to half that prescribed above) or

16 A pucca drain with cement concrete and plastered with cement with proper slope must be constructed and the water of the privy should be let into the conservancy drain through a drain

17 Any person infringing these bye laws is without being served with any show cause notice, liable on conviction before a Magistrate to a fine not exceeding Rs 50 and in case of continuing offences to a fine not exceeding Rs 5 for every day during which such infringement continues provided that the total amount of fine shall not exceed Rs 100

Rules framed for the levy of Special Sanitary Cess in Chikmagalur Town for the removal of night soil from the private houses as per Section 61 (VIII) of the Town Municipal Act 1933

1 All the private latrines in Chikmagalur Town shall be got cleaned by the Municipal scavenging staff only maintained by the Municipality on payment of monthly salary

2 No owner or occupier of any house has got the privilege of getting his private scavenging done by his own agency except with special permission in writing from the President of the Town Municipal Council

3 A Special Sanitary Cess as per schedule noted below shall be paid by the owner or the occupier of the house where latrine is arranged to be cleaned by the Municipal agency

4 The Special Sanitary Cess shall be payable in quarterly instalments to the Municipality and the default thereof shall entail in the stoppage of the scavenging work of the house of defaulter without notice and action will be taken against the owner or occupier of the house as per clause 7 of the Daily Conservancy Bye law

5 No private scavenger unless he is specially permitted by the President in writing shall have any right to conserve any private latrines

6 The private scavenger shall have a license from the Municipality on payment of a license fee of Rs 10 per year and should possess a badge from the Municipality

7 In case any owner or occupier of any house is granted an exemption from the President in writing to get his latrine cleaned by a private agency appointed by himself under clause 2 of the rules above he will not be exempted from payment of Special Sanitary Cess levid on him under clause 3 of the rules

8 If the owner or occupier prefers his latrine to be cleaned by his private agency it is his duty to see that the licensed scavenger who is legally authorised by the Municipality and who wears a Municipal badge noted as Licensed Scavenger is only appointed by him

9 The licensed scavenger shall have a night soil hand cart at his own cost with proper lid and should take the night soil to the place where the Municipality has set apart the place for dumping the night soil anywhere except the place set apart for the purpose failing which his license will be cancelled the license fee will be forfeited, the badge withdrawn and in addition he is liable for prosecution

10 The Special Sanitary Cess will be entered against the name of the khatedar whose duty it is to see that regular payment is made to the Municipality in time The payment will be received from the occupiers or tenants also if they are paid voluntarily but the responsibility of the khatedar does not cease if the occupier or the tenant fails to pay the Special Sanitary Cess

11 Not more than 50 houses should be entrusted by the Municipality to a scavenger appointed by the Municipality

12 The owner or occupier of any latrine shall have a right to complain to the Municipality about the non removal of night soil from his latrine or any incivility on the part of the Municipal scavenger

13 Failure of payment of Special Sanitary Cess shall have the same effect as failure of payment of mohatarfa taxes and the khatedar or owner of the house is responsible for the payment and his movable properties are liable for being distrained as if other mohatarfa taxes are due

14 Any infringement of these rules from clauses 1 to 12 is liable on conviction before a Magistrate to a fine not exceeding Rs 25 and in case of continued offence to a fine not exceeding Rs 2 for every day during which such infringement continues provided that the total amount of fine shall not exceed Rs 50

Schedule

Name of Tax	Classes of property liable	Rates at which classes are liable
Special Sanitary Cess	On all latrines conserved by the Municipality except those constructed at the cost of the Municipal Fund	(1) Re 0-4-0 for every month on each latrine attached to a private house assessed to a mohatarfa tax up to Rs 5 per annum (2) Re 0-6-0 for every month on each latrine attached to each private house assessed to a mohatarfa tax of above Rs 5 and below Rs 10 per annum (3) Re 0-8-0 for every month on each latrine attached to each private house assessed to a mohatarfa tax of above Rs 10 and below Rs 15 (4) Re 0-12-0 for every month on each latrine attached to each private house assessed to mohatarfa tax of above Rs 15 and below Rs 20 (5) Re 1-0-0 for every month on each latrine attached to each private house assessed to mohatarfa tax above Rs 20 per annum (6) Rs 2-0-0 for every month on each latrine attached to Government and Public Buildings

(R VARADARAJ PILLAI)
President

For Secy to Govt
Law Dept

S C 150